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18 INNOVATIVE ROBOTICS SYSTEMS, INC.

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 OAKLAND DIVISION

22 GENMARK AUTOMATION, INC., a  
23 California corporation,

24 CASE No. 05-cv-04707 PJH

25 Plaintiff, Counterdefendant,

26 **STIPULATION FOR ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE FOR 30 DAYS**

27 v.  
28 INNOVATIVE ROBOTICS SYSTEMS, INC.,  
a California corporation,

29 **Local Rules 6-2 and 7-12**

30 Defendant, Counterclaimant.

31 **Hon. Phyllis J. Hamilton**

32 Plaintiff, Genmark Automation, Inc. ("Genmark") and Defendant, Innovative Robotics  
33 Systems, Inc., ("IRSI") (Genmark and IRSI are collectively "the Parties") hereby stipulate and  
34 agree to seek an order continuing the Case Management Conference which has been set by the  
35 Court to occur on October 21, 2010 by the Court's Order dated September 9, 2010 (Docket Item  
36 No. 124). The facts supporting this Stipulation are in the Declaration of James C. Yoon filed  
37 herewith and which is Exhibit A hereto ("Yoon Decl.").

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38 STIPULATION FOR ORDER CONTINUING CASE MANAGEMENT CONFERENCE FOR 30 DAYS  
39 CASE NO. 05-CV-04707 PJH

1 Plaintiff and Defendant request the continuation of this case management conference in  
 2 order to have additional time to pursue settlement discussions and to prepare settlement  
 3 documentation. *See* Yoon Decl. ¶ 3. Settlement work has progressed since the filing of the last  
 4 stipulated request for an order continuing the case management conference on September 8,  
 5 2010. The Parties have met and conferred regarding the settlement documents drafted by  
 6 Genmark. IRSI's counsel provided Genmark with proposed changes to the settlement  
 7 documents on September 15, 2010. On October 11, 2010, Genmark's counsel replied with a  
 8 revised settlement proposal that IRSI is now considering. *See* Yoon Decl. ¶ 3.

9 The Parties request a further thirty day extension or continuation of the case management  
 10 conference to facilitate their efforts to resolve this case without additional litigation. *See* Yoon  
 11 Decl. ¶ 3.

12 WHEREFORE, Plaintiff, Genmark Automation, Inc., and Defendant, Innovative  
 13 Robotics, Inc., stipulate and agree that the Case Management Conference should be continued to  
 14 a date that is at least 30 days after October 21, 2010, which will allow the Parties an additional  
 15 37 days to seek a final settlement of the case.

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17 Respectfully Submitted,

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Dated: October 14, 2010

McPharlin Sprinkles & Thomas LLP

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By: /s/ Robert E. Camors, Jr.

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Robert E. Camors, Jr.  
 Attorneys for Plaintiff  
 Genmark Automation, Inc.

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Dated: October 14, 2010

Wilson Sonsini Goodrich & Rosati

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By: /s/ James C. Yoon

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James C. Yoon  
 Attorneys for Defendant  
 Innovative Robotics Systems, Inc.

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1 PURSUANT TO STIPULATION, IT IS SO ORDERED  
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3 Dated: October 19, 2010  
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5 THE CASE MANAGEMENT  
6 CONFERENCE IS  
7 CONTINUED TO  
8 DECEMBER 2, 2010 AT 2:00  
9 P.M.  
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## **CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for Plaintiff and Defendant conferred on the 14th day of October, 2010, and that this stipulation was signed by the attorneys whose names appear above.

Dated: October 14, 2010

/s/ James C. Yoon

James C. Yoon  
Attorneys for Defendant  
Innovative Robotics Systems, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of October, 2010, a copy of the foregoing was filed electronically through the Court's CM/ECF system, with notice of case activity automatically generated and sent electronically to all parties.

/s/ James C. Yoon  
James C. Yoon

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9 INNOVATIVE ROBOTICS SYSTEMS, INC.

10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **OAKLAND DIVISION**

13 GENMARK AUTOMATION, INC., a  
14 California corporation,

15 CASE No. 05-cv-04707 PJH

16 Plaintiff, Counterdefendant,

17 **DECLARATION OF JAMES C. YOON IN  
SUPPORT OF STIPULATION FOR  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE FOR 30  
DAYS**

18 v.

19 INNOVATIVE ROBOTICS SYSTEMS, INC.,  
20 a California corporation,

21 Defendant, Counterclaimant.

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1 I, James C. Yoon, Jr., declare:

2 1. I am counsel of record for defendant Innovative Robotics Systems, Inc. ("IRSI").

3 I have personal knowledge of the matters stated herein and, if called as a witness, I could and  
4 would testify competently thereto.

5 2. I make this declaration in support of the Stipulation for Order Continuing Case  
6 Management Conference for 30 Days, which is concurrently being filed herewith.

7 3. Since the filing of the Stipulation for Order Continuing Case Management  
8 Conference on September 8, 2010, and the Court's order of September 9, 2010 continuing the  
9 Case Management Conference to October 21, 2010, the parties met and conferred regarding the  
10 settlement documents drafted by plaintiff's counsel in August 2010. On September 15, 2010,  
11 defense counsel provided Genmark Automation, Inc. ("Genmark") with IRSI's proposed changes  
12 to the draft settlement documents. On October 11, 2010, Genmark's counsel replied with a  
13 revised settlement proposal that IRSI is now considering. In view of the fact that active  
14 settlement negotiations are still occurring, Mr. Robert Camors, counsel of record for plaintiff  
15 Genmark, and I think that it continues to be in the interests of justice, especially as between these  
16 two parties, to seek an order from the Court to defer the Court-ordered October 21, 2010 Case  
17 Management Conference for another thirty days. We are of the view that this settlement process  
18 is still continuing to move forward.

19 In the past, there have been two continuances sought and granted for this Case  
20 Management Conference. The case has been on Court-ordered stay commencing on November  
21 3, 2006 until the present. The case was filed on November 16, 2005.

22 I declare under penalty of perjury under the laws of the United States that the foregoing is  
23 true and correct and that his declaration was signed in Palo Alto, California

24 Dated: October 14, 2010

25 /s/ James C. Yoon  
James C. Yoon